

109TH CONGRESS
1ST SESSION

H. R. 1870

To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under such Act.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

Mr. FOLEY (for himself, Mr. MILLER of Florida, Mr. PUTNAM, Mr. MACK, Ms. HARRIS, Mr. FEENEY, Mr. FITZPATRICK of Pennsylvania, Mr. BISHOP of Georgia, Mr. PAUL, Mr. JINDAL, and Mrs. KELLY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Recovery Act
5 of 2005”.

1 **SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE**
2 **FOR DEBRIS REMOVAL AND EMERGENCY**
3 **PROTECTIVE MEASURES.**

4 (a) EXPEDITED PAYMENTS AUTHORIZED.—Notwith-
5 standing the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C. 5121 et seq.) or any
7 regulation issued pursuant to such Act, the Secretary of
8 Homeland Security, acting through the Director of the
9 Federal Emergency Management Agency, shall pay to an
10 eligible applicant, in accordance with subsection (b), 50
11 percent of the Federal share of assistance that the appli-
12 cant is eligible to receive under section 403(b), 407(d),
13 or 503 of such Act (42 U.S.C. 5170b(b), 5173(d), 5193).

14 (b) DATE OF PAYMENT.—A claim described in sub-
15 section (a) shall be paid not later than 60 days after the
16 date on which such applicant files an eligible claim for as-
17 sistance.

18 (c) DEFINITIONS.—For purposes of this section:

19 (1) ELIGIBLE APPLICANT.—The term “eligible
20 applicant” means the following:

21 (A) A State government.

22 (B) A local government.

23 (C) A private non-profit organization or in-
24 stitution that owns or operates any private non-
25 profit educational, utility, emergency, medical,
26 or custodial care facility, including a facility for

1 the aged or disabled, or any other facility pro-
2 viding essential governmental services to the
3 general public, and such facilities on Indian res-
4 ervations.

5 (D) An Indian tribe or authorized tribal
6 organization, or an Alaska Native village or or-
7 ganization, but not Alaska Native Corporations,
8 the ownership of which is vested in a private in-
9 dividual.

10 (2) ELIGIBLE CLAIM FOR ASSISTANCE.—The
11 term “eligible claim for assistance” means the fol-
12 lowing:

13 (A) DEBRIS REMOVAL.—A claim for the
14 clearance, removal, or disposal of debris such as
15 trees, sand, gravel, building components, wreck-
16 age, vehicles, and personal property, if such de-
17 bris is the result of an emergency or major dis-
18 aster and such clearance, removal, or disposal is
19 necessary for any of the following:

20 (i) To eliminate an immediate threat,
21 as determined by the Secretary of Home-
22 land Security, to human life, public health,
23 or safety.

1 (ii) To eliminate an immediate threat,
2 as determined by the Secretary, of signifi-
3 cant damage to public or private property.

4 (iii) To ensure the economic recovery
5 of the community affected by the emer-
6 gency or major disaster to the benefit of
7 such community and any other community,
8 as determined by the Secretary.

9 (iv) To ensure the provision of tem-
10 porary public transportation service in the
11 community affected by the emergency or
12 major disaster pursuant to section 419 of
13 the Robert T. Stafford Disaster and Emer-
14 gency Assistance Act (42 U.S.C. 5186).

15 (B) EMERGENCY PROTECTIVE MEAS-
16 URES.—An action taken by an applicant before,
17 during, or after an emergency or major disaster
18 that is necessary for any of the following:

19 (i) To eliminate or reduce an imme-
20 diate threat, as determined by the Sec-
21 retary of Homeland Security, to human
22 life, public health, or safety.

23 (ii) To eliminate or reduce an imme-
24 diate hazard, as determined by the Sec-

1 retary, that threatens significant damage
2 to public or private property.

3 (C) OTHER CLAIMS.—Any other claim that
4 the Secretary of Homeland Security determines
5 to be appropriate.

6 (3) EMERGENCY.—The term “emergency” has
7 the meaning provided by section 102(1) of the Rob-
8 ert T. Stafford Disaster and Emergency Assistance
9 Act (42 U.S.C. 5122(1)).

10 (4) MAJOR DISASTER.—The term “major dis-
11 aster” has the meaning provided by section 102(2)
12 of the Robert T. Stafford Disaster and Emergency
13 Assistance Act (42 U.S.C. 5122(2)).

14 **SEC. 3. REQUIREMENT TO ENSURE DEBRIS CLEARANCE,**
15 **REMOVAL, AND DISPOSAL FROM EMERGENCY**
16 **ACCESS ROADS.**

17 (a) REQUIREMENT.—Any reimbursement authorized
18 under section 407 of the Robert T. Stafford Disaster Re-
19 lief and Emergency Assistance Act (42 U.S.C. 5173) for
20 clearing and removing debris shall include reimbursement
21 for clearing, removing, and disposing of debris from any
22 emergency access road.

23 (b) EMERGENCY ACCESS ROAD DEFINED.—For pur-
24 poses of subsection (a), the term “emergency access road”
25 means a road that requires access by emergency per-

1 sonnel, including firefighters, police, emergency medical
 2 personnel, or any other entity identified by the Secretary
 3 of Homeland Security that provides an emergency service
 4 after a declaration of an emergency or major disaster (as
 5 defined in section 102 of the Robert T. Stafford Disaster
 6 Relief and Emergency Assistance Act (42 U.S.C. 5122)).

7 **SEC. 4. INCLUSION OF DEBRIS REMOVAL FROM PRIVATE**
 8 **LAND AS ELIGIBLE CLAIM FOR FEDERAL AS-**
 9 **SISTANCE.**

10 Section 408(c)(2)(A) of the Robert T. Stafford Dis-
 11 aster Relief and Emergency Assistance Act (42 U.S.C.
 12 5174(c)(2)(A)) is amended—

13 (1) at the end of clause (i), by striking “and”;

14 (2) at the end of clause (ii), by striking the pe-
 15 riod and inserting “; and”; and

16 (3) by inserting after clause (ii) the following
 17 new clause:

18 “(iii) the removal, clearance, and dis-
 19 posal of debris from private property that
 20 is the result of an emergency or major dis-
 21 aster.”.

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